

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL COLEMAN,

Plaintiff,

-against-

BRIAN FISCHER, Commissioner of the New:
York State Department of Correctional Services :
("DOCS"), in his individual capacity; ANTHONY J. :
ANNUCCI, Deputy Commissioner and Counsel for :
DOCS, in his individual capacity; LUCIEN J. :
LECLAIRE, JR., former Acting Commissioner of DOCS, :
in his individual capacity; GLENN S. GOORD, former :
Commissioner of DOCS, in his individual capacity; :
EDWARD DEL RIO, Parole Revocation Specialist, in his :
individual capacity; JOHN ZWARYCZUK, Senior Parole :
Officer, in his individual capacity; BARBARA CUDNEY, :
Institutional Parole Officer, in her individual capacity; :
SHARON HENRY, Parole Officer, in her individual :
capacity; JOHN MARTINEZ, Parole Officer, in his :
individual capacity, and JOHN/JANE DOES 1-10 (DOCS :
and division of Parole Supervisory, Training, and Policy :
Personnel),

Defendants.

**NOTICE OF MOTION
TO DISMISS AMENDED
COMPLAINT**

07CV7790(SHS)
ECF

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PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law
defendants, BRIAN FISCHER, Commissioner of the New York State Department of
Correctional Services ("DOCS"), ANTHONY J. ANNUCCI, Deputy Commissioner
and Counsel for DOCS, LUCIEN J. LECLAIRE, JR., former Acting Commissioner of DOCS,
GLENN S. GOORD, former commissioner of DOCS, EDWARD DEL RIO, Parole Revocation
Specialist, JOHN ZWARYCZUK, Senior Parole Officer, BARBARA CUDNEY, Institutional
Parole Officer, SHARON HENRY, Parole Officer and JOHN MARTINEZ, Parole :

Officer, by their attorney, ANDREW M. CUOMO, the Attorney General of the State of New York, will move this Court before the Honorable Sidney H. Stein, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 23A, New York,, New York at 10:00 A.M. on September 4, 2008, or on another date set by the Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting defendants' motion to dismiss plaintiff's amended complaint, and for such further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that unless otherwise directed by the Court, pursuant to Local Civil Rule 6.1 (b), answering papers are to be served within ten (10) business days after service of defendants' moving papers. Reply papers shall be served within five (5) business days after service of the answering papers.

Dated: New York, New York
July 29, 2008

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State of New York
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